

**APPROVED**

**Board of Selectmen  
20 September 2010  
Minutes**

**6:00 pm** - Chairman Betty Ann Abbott read “This meeting of the Selectmen of the Town of Gilmanton is now open, and the matters presented and discussed here shall be for the purpose of managing the prudential affairs of the town and to perform the duties by law prescribed.”

Present were Chairman Abbott, Selectman Don Guarino, Town Administrator Tim Warren and Clerk Lois Dionne. Selectman Hatch was not in attendance.

**Heating Oil Bids** – The Selectmen reviewed the heating oil bids that were received for the 2010—2011 heating season. The bids were as follows:

Foley Oil	\$2.3994 per gal.	Pre-Buy	\$2.349 per gal.
Dutile & Sons	2.479 - Set price		
Fred Fuller	2.2950 – Lock in rate – Price valid thru 9-17-10		
Stafford Oil	2.454 – Fixed rate	Pay within 10 days	\$2.499 – rate fluxuates

There was a brief discussion of the bids. Tim was asked to call Fuller Oil to see if the bid price would still be valid.

**MOTION – Selectman Guarino moved to accept the bid from Fred Fuller to supply Gilmanton’s heating oil if the price listed in the bid is still valid. Chairman Abbott seconded. Motion passed 2-0.**

**Closed Legal Files** – Tim had a letter from Town Counsel’s office informing him that their firm retains closed client files for seven years before destroying them. The Town was offered the option of having the files shipped to us for storage, rather than having them destroyed. Tim will ask Town Counsel to return the files to Gilmanton.

**Code Issues** – Tim had a letter from Town Counsel updating him on two code issues that had been forwarded to Town Counsel. One case has been brought into compliance; the other has not. Tim had a copy of the letter that has been sent to the resident informing him that if he is not in full compliance of the ordinance within fourteen days, we would be filing with the court.

**Old Police Vehicle** – Tim asked the Selectmen if they wanted to send the old police vehicle, that had been being used as a town vehicle, to auction at White Farm in Concord, or if we should try to sell it. Don will see if he can get the vehicle delivered to the White Farm in Concord to be included in the auction.

**Hawkers & Peddlers** – Tim had a letter from the State informing us that the enactment of HB 1267 allows Hawkens, Peddlers, and Vendors to apply to multiple municipalities simultaneously upon applying to a municipality that may require a New Hampshire and/or FBI criminal history record check. Currently Gilmanton does not require a record check for hawkers or peddlers, but we can now require a copy of their record check before we issue a permit.

**Belknap County Commissioners** – Tim informed the Board that Belknap County Commissioners would be holding a county conversation wrap-up forum on Thursday, September 30<sup>th</sup> at 6:30 pm.

**Belknap County Commissioners** - Tim had an email from Belknap County Administrator Debra Shackett asking if the Selectmen would be interested in attending a meeting to discuss forming a Belknap County Health Insurance Cooperative to purchase health insurance as a group through Primex. Tim will attend the meeting.

**GAT** – Tim reported that the GAT sent to Penacook for August was 118.89 tons, down from 133.77 tons sent in August of 2009. Year-to-date tonnage is 887.25 tons, down from 964.50 tons thru August 2009.

**Open House – Safety Building** – The date for the Open House at the Safety Building Complex has been set for November 13<sup>th</sup> from 10:00am to 2:00 pm.

**Donovan Road** – Tim asked Selectman Guarino about the meeting he and the Road Agent were to have had with the Morrills in regards to the complaint we had received concerning the work that was being done on Donovan Road.

Don said they had looked at the right-hand side of the road where material had been scraped away and deposited onto the left side of the road. He said the Morrill's and their excavating contractor had asked about a culvert that they originally had been told would have to be replaced. Don said that the Road Agent didn't feel it needed to be replaced and was concerned with the impact it would have; it would disturb quite a bit of land on the Donovan's property. Don said he had asked Paul to send a letter to the Board with his recommendation.

Don said he and Paul are going to stake the right hand side of the road (Donovan's side). He said Mr. Morrill is going to wait until the road is staked, and would then reestablish the frontage he had disturbed on the Donovan's property. Don added that he was satisfied with what the Morrills are doing.

Chairman Abbott said she had received an email from the Donovans suggesting that some illegal logging was being done on the Morrill property. Don said he hadn't noticed anything while he was out there. Tim said there hasn't been an intent to cut filed. It was stated that people are allowed to remove twenty cords of wood from their property for personal use. Tim will have Cindy contact the State and ask them to check it out.

**Joe Haas – Upgrade to Parsonage Hill Road** – Mr. Haas had previously requested, and been denied, permission to upgrade a Class VI section of Parsonage Hill Road to allow logging on his property to allow logging. The Selectmen had visited the site, and made a determination that no upgrade was necessary. Tonight Mr. Haas was requesting permission to upgrade the road so that he could get his regular car (a Mercury Sable) down there. He asked if the Road Agent had forwarded Mr. Haas latest letter to the Selectmen. They had not received a copy of the letter.

Mr. Haas said he wanted to get rid of the man-made and natural trenches that have occurred since he purchased the property. He said the road had to be smoothed out to go up there. Tim Warren stated that he had driven the road on Friday morning in his Subaru, and hadn't had a problem. Tim felt you could drive a regular car up to the outcrop of ledge with no problem.

Discussion ensued about upgrading a Class VI road. Mr. Haas said that the statute says either the Road Agent or the Board of Selectmen could grant permission for him to upgrade the road. He had previously written a letter to the road agent, but had not heard from him. He was told the Road Agent had turned the letter over to the Selectmen for their recommendation. The Selectmen had responded to the letter denying Mr. Haas permission to upgrade the road, and explained that in Gilmanton the Road Agent does not make decisions on the upgrade of Class VI roads. Mr. Haas was upset that the road agent had not responded personally.

After discussion, during which Mr. Haas stated that he has the right to have "peaceful access" to his property, the Selectmen reiterated their decision to deny permission for Mr. Haas to upgrade Parsonage Hill Road. Mr. Haas was upset with the Selectmen's decision and said he was going to do the upgrade. He said he would notify them when he was going to do it, and if they think they have the power to prevent him from doing it, to go ahead and try.

**2011 Budget Increase** – The Selectmen discussed the amount to allow department heads to request for increases to their operating budget for 2011. After considerable discussion, an increase of 1.5% was agreed upon.

**7:00 pm - Public Input** – No one was present for public input at this time.

**Safety Building** – Chairman Abbott stated that she, Tim and the building inspector had walked through the safety building doing an inspection to find any things that might have

to be touched up, such as paint, a chipped ceiling tile, etc. The concrete pads for the radio tower and flagpole were poured today.

Chairman Abbott said they had talked about the topcoat for the driveway, and there were some suggestions that there might be less costly ways, than previously thought, to prepare for winter without doing the topcoat this year. She said she had been reminded that, at town meeting, they (Selectmen) had said they would probably ask for the topcoat next year and the argument had been made that it might be better to wait a year to do the topcoat. If we don't do the topcoat this year, can get the prep done on the paving for under \$2,500 and get the \$57,000 grant, which we will find out about by the end of October, we will come in under budget.

There was a brief discussion about waiting to do the topcoat. Chairman Abbott will talk with Bill Hurst about the pavement tomorrow at the safety-building meeting.

### **7:20 - Public Input**

**Road Sign** - George Roberts brought in the road sign for Meeting House Road. He felt it had been knocked down when they were mowing, as he had found it on the side of the road.

**Cracks in Road** – Mr. Roberts was concerned that the cracks in the pavement on Meeting House Road had only been partially been filled.

Selectman Guarino will talk to the road agent.

**Approval of Minutes** – The Selectmen reviewed the minutes of September 7<sup>th</sup>.

**MOTION – Selectmen Guarino moved to accept the minutes of September 7, 2010 as amended. Chairman Abbott seconded. Motion passed 2-0.**

### **Old Business**

**Energy Rebates** – Tim was asked to follow up with Craig Snow to find out what we have to do to get the energy rebates.

**Security Camera & Buzzer** – Tim said the camera and buzzer for the rear of the Academy Building are being ordered.

**Fire Pond** – Tim stated that since we are not getting a new furnace this year, we have enough money to dredge the fire pond. It was the consensus to do the pond now while it is dry as it would be less expensive.

**09-20-10 – BOS**

**APPROVED**

**MOTION – Selectman Guarino moved to award the dredging of the fire pond to Les Roberts, who was the low bidder at a cost of \$5,080. Chairman Abbott seconded. Motion passed 2-0.**

**7:30 pm – Public Input Closed**

**7:34 pm – Selectman Guarino moved to Enter into Non-Public Session as per RSA 91-A:3, II(c)** - Matters which, if discussed in public, would likely affect adversely the reputation of any person unless such person requests an open meeting; however, this cannot be used to protect a person who is a member of your Board, Committee or Subcommittee. Chairman Abbott seconded. Motion passed 2-0.

The Selectmen discussed a code issue.

**7:40 pm – Selectman Guarino moved to come Out of Non-Public Session.** Chairman Abbott seconded. Motion passed 2-0.

**7:43 pm – Selectman Guarino moved to Enter into Non-Public Session as per RSA 91-A:3, II(a)** - Dismissal, promotion or setting compensation for public employees or the investigation of any charges against him, unless the employee affected has a right to a meeting or requests that the meeting be open, in which case the request shall be granted. Chairman Abbott seconded. Motion passed 2-0.

The Selectmen discussed a personnel issue.

**7:50 pm – Selectman Guarino moved to come Out of Non-Public Session.** Chairman Abbott seconded. Motion passed 2-0.

**7:51 pm – MOTION – Selectman Guarino moved to adjourn the meeting. Chairman Abbott seconded. Motion passed 2-0.**

Respectfully submitted,

Lois Dionne  
Recording Clerk

